

Approved 11/3/10

**TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
October 6, 2010**

Board Present: Chairman Dan Remian, David Cobey, Bob Ellis, Evelyn Kalloch, Frank Muddle, and CEO Scott Bickford

Board Absent: None

Others Present: Andrew Hedrick, Carlton Johnson, John Mathieson and Cyrus Holmes

1. Call to Order: Acting Chairman Muddle called the meeting to order at 6:05 P.M. and a roll call was taken.

2. Approve Minutes of 6/9/10: The Chairman noted a word substitution in paragraph two under old business.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, to approve the minutes of the 6/9/10 meeting as amended.
Carried 5-0-0

3. New Business:

A. Preliminary Application for Hornbarn Hill Subdivision, Map 6, Portion of Lot 22: Andrew Hedrick of Gartley & Dorsky Engineering and Surveying represented the applicant, Machias Savings Bank. Chairman Remian confirmed the application fee had been paid and packets submitted to the Board; he listed the items included. Mr. Hedrick said this was a minor amendment to add four lots to the Hornbarn Hill Subdivision. He had included deed covenants, as they mentioned these lots. Private septic systems and wells would serve each lot and no new roads, stormwater improvements or utility infrastructure would be needed. Mr. Hedrick's purpose this evening was to receive comments from the Board before proceeding to the next step.

The engineer confirmed for Mrs. Kalloch that these new lots would not interfere with the common areas. Mr. Ellis mentioned that the new lots should have a calculation for developable area submitted, due to nearby wetlands. Mr. Hedrick felt there was an existing wetland permit, which he would provide, for Lot 17. Mrs. Kalloch noted that there were some line changes to Lots 15 and 16. Mr. Remian asked about test pits and Mr. Hedrick said they had been updated. Mr. Cobey ascertained that the date of the approved subdivision was 6/29/07, which meant that this application for additional lots did not meet the five-year requirement. Mr. Hedrick thought the five-year rule was measured from the date of application, but Mr. Cobey and Mr. Remian thought it was measured from approval date. They asked the engineer to check on that. Carlton Johnson said he thought the original plan for 13 lots was approved in 2004 or 2005, while the amended plan was approved in 2007. There was further discussion of this issue.

Mr. Cobey said there was no mention on the plan of where a non-resident parking for access to the common area. Carlton Johnson said the original owner did not intend to provide parking and the common area was now under the control of the HOA, not the applicant. Mr. Cobey asked what had become of the driveway easement across Lots 12 and 13. Mr. Johnson said it was still in place. Mr. Cobey requested a sequence of plans from the original approval to the present. In response to a question from the Chairman, Mr. Hedrick said there were no plans to re-delineate the wetlands.

The Board agreed a Site Walk was not necessary, though members could visit the site individually if they wished.

CEO Bickford asked if any DEP requirements would come into play and Mr. Hedrick replied in the negative. Mr. Bickford then asked about wetland impact and Mr. Hedrick said he would provide documentation identifying permitted wetlands on any of the lots.

B. Preliminary Application for Amendment to Far Meadow Subdivision for Cyrus Holmes: Surveyor John Black explained that Lots 4, 5, and 6 were pre-approved as Far Meadow Subdivision II. Lot 4 was sold four years ago and the people who did the site work had worked from the wrong pin and placed the house mostly on Lot 5,

rather than Lot 4. Since then, he said, a buyer had purchased Lots 5 & 6 together. The buyer had subsequently discovered that the owner of Lot 4 had used a portion of Lot 5. The two owners had come to an agreement to move a portion of Lot 5 into Lot 4 and they wished to make a formal amendment to that effect.

Chairman Remian said this involved additional land for the subdivision and a line change. CEO Bickford said the language of the amendment should make clear that only Lots 4 and 5 would be affected by this change. In response to a question, Mr. Black said Doug Mesurvey had relocated the test pit. Mr. Holmes requested that only a final review be necessary. There was discussion regarding the need to notify abutters. The CEO felt abutters should be notified since this involved a change to the subdivision property boundary. Mr. Cobey interpreted the regulations to say only owners of the lots to be changed must be notified. After much discussion, the Board agreed abutters should be notified and to have the Subdivision Regulations language regarding notification vetted by the Town Attorney.

ACTION: Mr. Remian, seconded by Mr. Cobey, made a motion to put this application on the next agenda for final approval.
Carried 5-0-0

4. New Business: The Chairman asked the CEO to explain an attempt in Rockport to circumvent the Shoreland Zone rules, which had implications for other towns. Mr. Bickford gave details of the situation, which involved differing opinions within DEP as to what, if anything, could take place within the 75' buffer. DEP's Mike Morse had said foundation drainage could not go into the buffer zone; however, the DEP Director subsequently said it could because foundation drainage was not mentioned in the Shoreland Zone guidelines.

Mr. Bickford had requested clarification because the Director's answer went against everything the CEO had been trained to believe about vegetative disturbance. He would keep the Board informed on the subject because it could directly affect their work.

At this point the recorder reverted to the PB meeting of 2/4/09.

Respectfully submitted,

Deborah E. Sealey
Recording Secretary
(From the digital recording)